

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------|---|---------------------|
| In re patent application of: |) | |
| Eldon H. Nyhart, Jr. |) | Before the Examiner |
| Serial No. Not Yet Known |) | |
| Filed: October 26, 2001 |) | Group Art Unit |
| APPARATUS FOR THE CONTROLLABLE |) | |
| MODIFICATION OF COMPOUND |) | |
| CONCENTRATION IN A TUBE |) | October 26, 2001 |

PRELIMINARY AMENDMENT

Honorable Commissioner of Patents
Washington, DC 20231

Sir:

Please enter the following amendments and consider the following remarks prior to computation of the filing fee. A check for the filing fee accompanies this Preliminary Amendment. However, if any other fees are deemed necessary, please charge said fees to Deposit Account No. 23-3030, but not to include payment of any issue fee

Express Mail Label No. EL683237746US Date of Deposit October 26, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Honorable Commissioner for Patents, Washington, DC 20231.

Signature of person mailing paper or fee

IN THE TITLE

Please delete the following title from page 1 of the application:

APPARATUS AND METHODS FOR THE CONTROLLABLE
MODIFICATION OF COMPOUND CONCENTRATION IN A TUBE

Please insert the following new title on page 1 of the application:

APPARATUS FOR THE CONTROLLABLE
MODIFICATION OF COMPOUND CONCENTRATION IN A TUBE

IN THE CLAIMS

Please delete claims 1-18 and 35-56 without prejudice to their consideration in a continuing application.

REMARKS

Consideration of this Preliminary Amendment is respectfully requested.

This application is a divisional of U.S. Patent Application Serial No. 09/692,857, filed October 20, 2000. This application also claims priority to U.S. Provisional Patent Application Serial No. 60/161,130, filed October 22, 1999 and to U.S. Provisional Patent Application No. 60/170,051, filed December 9, 1999. All of these applications are incorporated herein by reference to their full extent.

With this Preliminary Amendment, Applicant deletes claims consistent with the election and restriction requirement transmitted in the parent case which is application Serial No. 09/692,857. This Preliminary Amendment elects the claims of Groups II.

CLOSING

Applicant has cancelled claims 1-18 and 35-56. Applicant respectfully requests examination of pending claims 19-34. The undersigned welcomes a telephonic interview with the Examiner, if the Examiner believes such an interview would facilitate review of this application.

Respectfully submitted

By: 

John V. Daniluck, Reg. No. 40,581
Woodard, Emhardt, Naughton,
Moriarty & McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456 (telephone)
(317) 637-7561 (facsimile)